



In Re Application Of: Brian G. Agee, et. al. |  
Serial No. 09/878,789 || 09/879,459 |  
Filed: 06/10/01 06/11/01 |  
For: Method and Apparatus for |  
Optimization of Wireless Multipoint...|

Examiner:  
Group Art Unit: 2661 || 2681  
Atty. Docket No:  
Date: Oct. 8, 2002

**RECEIVED**

OCT 10 2002

**OFFICE OF PETITIONS**

SIR: Transmitted herewith are:

☒ Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b)

☒ a Response to the Notices to File Corrected Application Papers for the above application  
a clean copy of the substitute specification (with abstract)  
payment (see, also, authorization below)  
drawings as requested by the Examiner (duplicate set)

☒ Extension of time as necessary is requested, and authority to charge against deposit account 50-0705 is herewith granted.

☒ The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: ( A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

☒ Any additional filing fees required for presentation of extra claims

☒ Any extension or petition fees.

☒ Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:

George S. Cole, Esq.  
PTO #40,563

495 Seaport Court, Suite 101  
Redwood City, CA 94063  
Tel: (650) 556-9510  
Fax: (650) 556-9511  
[GSCdLawyer@aol.com](mailto:GSCdLawyer@aol.com)

**RECEIVED**  
JUL 3 2003  
**CANCELLED**  
**OFFICE OF PETITIONS**



PTO/SB/17 (6/99)  
Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number

Filing Date

First Named Inventor

Examiner Name

Group / Art Unit

Attorney Docket No.

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge  
indicated fees and credit any over payments to:

Deposit  
Account  
Number

50,0705

Deposit  
Account  
Name

George S. Cole, Esq.

- ☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	760	201	380	Utility filing fee	380
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	78	202	39	Independent claims in excess of 3	
104	260	204	130	Multiple dependent claim, if not paid	
109	78	209	39	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$1,692.00)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility Issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
Other fee (specify)					

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,692.00)

## SUBMITTED BY

Name (Print/Type) George S. Cole, Esq.

Registration No. 40,563  
(Attorney/Agent)

## Complete (if applicable)

Telephone (650) 556-9510

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## EXPRESS MAIL CERTIFICATE

"Ezpress Mail" mailing label No: \_\_\_\_\_EU098837966US\_\_\_\_

Date of Deposit: \_\_\_\_\_Oct. 8, 2002\_\_\_\_\_

I hereby certify that the following documents:

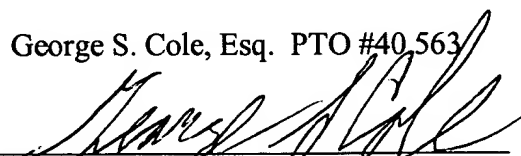
- 
- Petition for Revival of Unintentionally Abandoned Application
  - copy of the Notices to File Corrected Application Papers  
for SN 09/878,789 and for SN 09/879,459
  - Response to Notices to File Corrected Application Papers, including
    - abstract (requested in both Notices) (at page 139 of specification)
    - substitute specification, with 1 & 1/2 line spacing (requested in Notice for SN 09/878,789)
    - copy of drawings (submitted with SN 09/878,789, requested in Notice for SN 09/879,459)
  - payment (requested in Notice for SN 09/878,459), for application and for Petition;  
(both checks and Deposit Account Authorization; and copy of Fee Transmittal  
with Authorization to charge deposit account filed with application);  
and
  - a copy of this Express Mail Certificate;

---

are being deposited in a single envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:

**Attn: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, DC 20231.**

George S. Cole, Esq. PTO #40,563



(Signature of person mailing documents)